



**US Army Corps  
of Engineers**  
New England District

Maine Project Office  
675 Western Ave., #3  
Manchester, Maine 04351

# PUBLIC NOTICE

**Date:** January 20, 2009  
**Comment Period Ends:** February 20, 2009  
**File Number:** NAE-2008-3365  
**In Reply Refer To:** Peter Tischbein  
**Or by e-mail:** peter.tischbein  
@usace.army.mil

The District Engineer has received a permit application from the applicant below to **conduct work in waters of the United States** as described below. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation.

## APPLICANT

Newcastle Publick House, LLC, 134 Main St., Suite 2, Winthrop, Maine 04364

## ACTIVITY

The project (previously called Newcastle Shores, Inc.) has previously been issued a Dept. of the Army permit no. 200300542. This permit valid for 5 years has recently expired prior to the applicant completing construction of the entire permitted project specifically the construction of the floating marina. Project continuation requires reissue of this permit. The current marine proposal entails reconfiguring those portions of the marina which already exist along with the installation of floats to create slips to accommodate approx. 46 vessels. This reconfiguration results in slip space for an additional 7 vessels. The overall limits or extension into the waterway is similar to that which was initially permitted in 2003.

The details of the activity are attached specifically, Figure 2, "Dock Layout Plan" dated Dec. 8, 2008.

## WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed on the west side of the Damariscotta River in Newcastle, Maine. The proposed location on the USGS Damariscotta quadrangle sheet is at UTM coordinates 44.0325956 N and -69.5351337 W.

## AUTHORITY

Permits are required pursuant to:

- ☒ Section 10 of the Rivers and Harbors Act of 1899
- ☐ Section 404 of the Clean Water Act
- ☐ Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

#### **ESSENTIAL FISH HABITAT**

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

This project will impact approx. 1.5 acres of Essential Fish Habitat (EFH)- see attached sheet for list of species and life stages. This habitat consists of the water column and a mix of intertidal and subtidal rockweed covered rock, gravel and mud bottom. Impacts to these species is expected to be minimal because the project consists primarily of float installation and the attendant piles will not be displacing significant amounts of the marine bottom. Fish passage and use of the project area will still be available. Therefore, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

#### **SECTION 106 COORDINATION**

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

**ENDANGERED SPECIES CONSULTATION**

The New England District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, which might occur at the proposed project site during the construction and subsequent operation/use period sought by the applicant. We have undertaken a Biological Assessment (BA) of the potential for interactions and adverse impacts to those listed species. It is our determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect any Federally listed endangered or threatened species or their designated critical habitat. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our BA determination.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved **Coastal Zone Management Programs**. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The following authorizations have been applied for, or have been, or will be obtained:

- ( x ) Permit, License or Assent from State.
- (   ) Permit from Local Wetland Agency or Conservation Commission.
- ( x ) Water Quality Certification in accordance with Section 401 of the Clean Water Act.


In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Peter Tischbein at (207) 623-8367.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**

  
**Chief, Permits and Enforcement Branch  
Regulatory Division**

**CENAE-R**  
**FILE NO. NAE-2008-3365**

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil). You may also check here ( ) and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

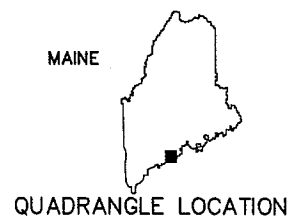


TAKEN FROM U.S.G.S. 7.5x15 MINUTE SERIES TOPOGRAPHIC  
MAP OF DAMARISCOTTA, MAINE-1970 (REVISED 1979).

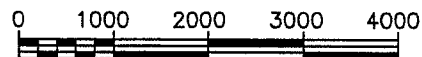
CONTOUR INTERVAL IS 10 FEET

SITE COORDINATES: LATITUDE 44°01'59"  
LONGITUDE 69°32'08"

UTM COORDINATES: 48:75:541mN  
4:57:064mE



QUADRANGLE LOCATION



SCALE in FEET  
1:24,000



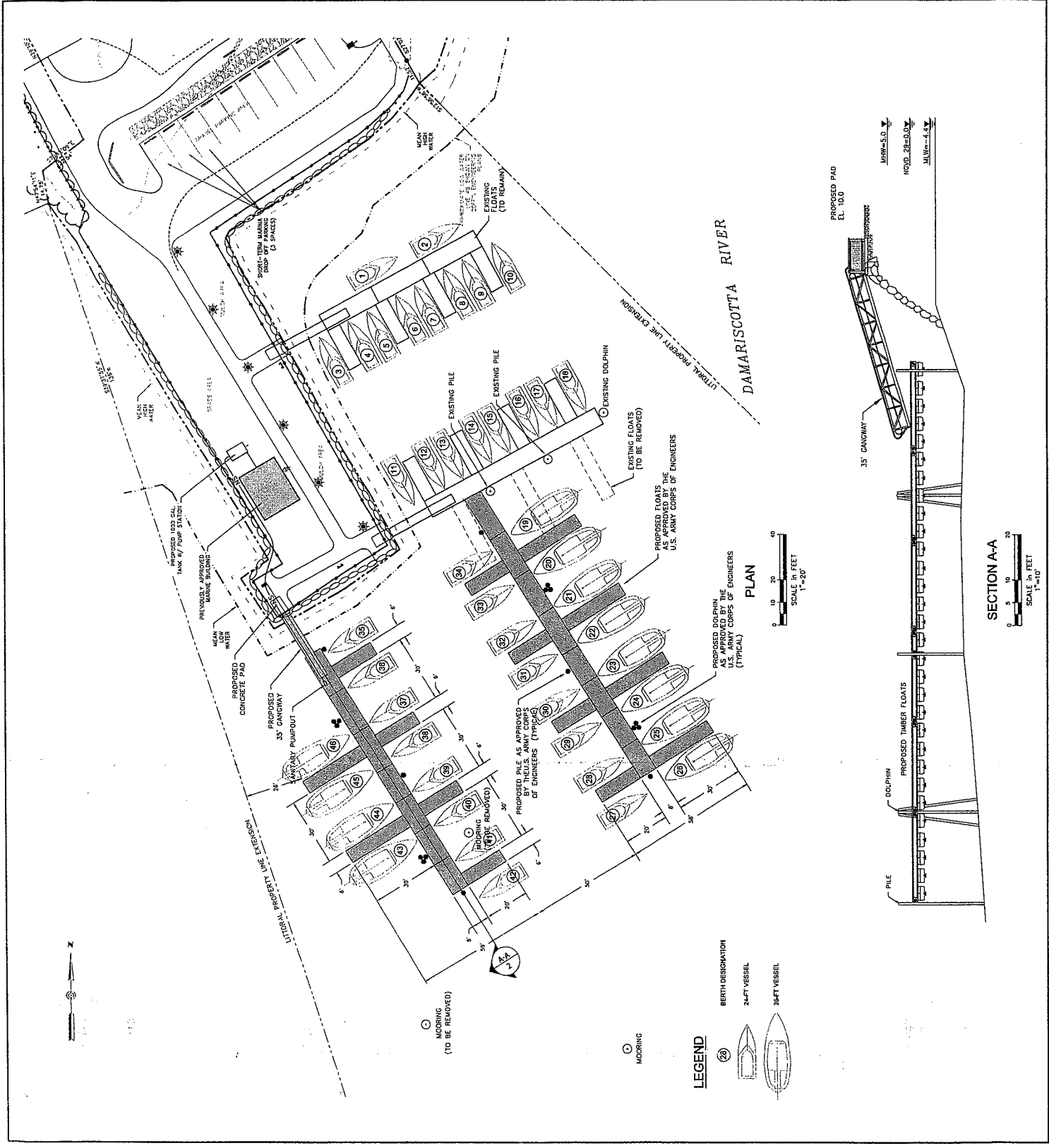
400 Commercial Street  
Portland, Maine 04104  
(207) 772-2004

PREPARED FOR:  
BUCK CONSULTING GROUP, LLC  
16 TANNERY DRIVE  
CAMDEN, MAINE

DATE: JULY 24, 2008  
PROJECT: 073036  
FIGURE: 1

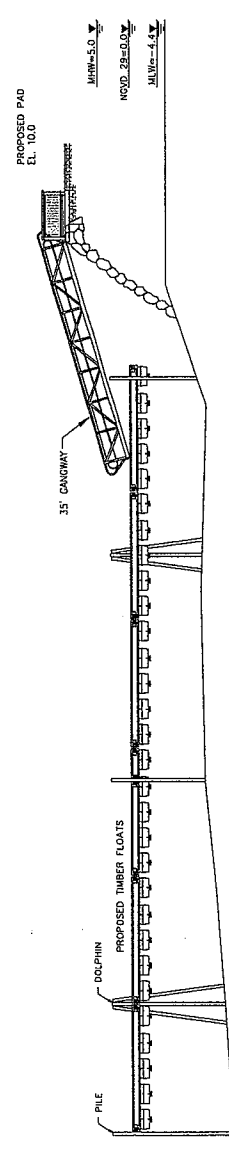
SITE:  
NEWCASTLE MARINA  
MAINE STREET  
NEWCASTLE, MAINE

<b>TWIN VILLAGES • MARINA &amp; TOWNHOUSES</b> MAIN STREET NEWCASTLE, MAINE		<b>OAK ENGINEERS</b> 400 Commercial Street NEWCASTLE, MAINE 04041 TEL: (207) 733-5004 FAX: (207) 733-5048 www.oakengineers.com		<b>DOCK LAYOUT PLAN</b>	
OWNER INFORMATION: NEWCASTLE PUBLIC HOUSE, LLC 11 MAIN STREET NEWCASTLE, MAINE 04041 WHITING, MARIE 9434 ENTIRE CONTIGUOUS HOLDINGS ARE SHOWN		No. _____ Date _____ Revised/Issue _____ Drawn by: PFA Checked by: PFA Approved by: BMB Date: DECEMBER 8, 2008		Project: 072035 Date: DECEMBER 8, 2008	



**LEGEND**

- MOORING (TO BE REMOVED)
- MOORING
- 24' VESSEL
- 34' VESSEL



**Summary of Essential Fish Habitat (EFH) Designations****Name of Estuary/ Bay/ River:** Damariscotta River, Maine**10' x 10' latitude and longitude squares included in this bay or estuary or river (southeast corner boundaries):**

4350/6930

Species	Eggs	Larvae	Juveniles	Adults	Spawning Adults
Atlantic salmon ( <i>Salmo salar</i> )					
Atlantic cod ( <i>Gadus morhua</i> )			S	S	
haddock ( <i>Melanogrammus aeglefinus</i> )					
pollock ( <i>Pollachius virens</i> )			M,S	S	
whiting ( <i>Merluccius bilinearis</i> )			M,S	M,S	
offshore hake ( <i>Merluccius albidus</i> )					
red hake ( <i>Urophycis chuss</i> )			M,S	S	
white hake ( <i>Urophycis tenuis</i> )			M,S	M,S	
redfish ( <i>Sebastes fasciatus</i> )	n/a				
witch flounder ( <i>Glyptocephalus cynoglossus</i> )					
winter flounder ( <i>Pleuronectes americanus</i> )	M,S	M,S	M,S	M,S	M,S
yellowtail flounder ( <i>Pleuronectes ferruginea</i> )	S	S			
windowpane flounder ( <i>Scopthalmus aquosus</i> )	M,S	M,S	M,S	M,S	M,S
American plaice ( <i>Hippoglossoides platessoides</i> )	S	S	M,S	S	S
ocean pout ( <i>Macrozoarces americanus</i> )	S	S	S	S	S
Atlantic halibut ( <i>Hippoglossus hippoglossus</i> )	S	S	S	S	S
Atlantic sea scallop ( <i>Placopecten magellanicus</i> )	S	S	S	S	S
Atlantic sea herring ( <i>Clupea harengus</i> )		M,S	M,S	M,S	
monkfish ( <i>Lophius americanus</i> )					

bluefish ( <i>Pomatomus saltatrix</i> )			M,S	M,S	
long finned squid ( <i>Loligo pealei</i> )	n/a	n/a			
short finned squid ( <i>Illex illecebrosus</i> )	n/a	n/a			
Atlantic butterfish ( <i>Peprilus triacanthus</i> )					
Atlantic mackerel ( <i>Scomber scombrus</i> )			M,S	M,S	
summer flounder ( <i>Paralichthys dentatus</i> )					
scup ( <i>Stenotomus chrysops</i> )					
black sea bass ( <i>Centropristus striata</i> )					
surf clam ( <i>Spisula solidissima</i> )	n/a	n/a			
ocean quahog ( <i>Artica islandica</i> )	n/a	n/a			
spiny dogfish ( <i>Squalus acanthias</i> )	n/a	n/a			
tilefish ( <i>Lopholatilus chamaeleonticeps</i> )					